



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/634,374	04/18/96	SCOTT	H 1300-112

F3M1/0627
LAFF WHITESEL CONTE AND SARET LTD
401 NORTH MICHIGAN AVENUE
CHICAGO IL 60611

EXAMINER

SHAW, E

ART UNIT

PAPER NUMBER

3303

3

DATE MAILED: 06/27/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/634,374

Applicant(s)

Scott

Examiner

Elizabeth Shaw

Group Art Unit

3303



☒ Responsive to communication(s) filed on Apr 18, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 11 is/are allowed.

☒ Claim(s) 1-3, 7, and 8 is/are rejected.

☒ Claim(s) 4-6, 9, and 10 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3303

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Henry (5,010,843). Henry shows a pet bed 10, see figure 5, having an outer covering (unnumbered) containing a zippered opening 34 for access to the interior, a base cushion 12 and semi-circular top cushions or bolsters 14" or 16". The top cushions or bolsters 14" or 16" are affixed to the edge 22 of the base cushion 12 in either a permanent (stitched) or removable (zippered or snapped) fashion, see column 2, lines 19-29.

Allowable Subject Matter

Claims 4-6, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 11 is allowable.

Art Unit: 3303

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference on pet beds are: Von Below (984,324), McGarvey (1,469,523), Burt (1,569,710), Petersilie (3,890,658), West (5,109,559) and Schwarzenbart (5,197,411).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Shaw whose telephone number is (703) 308-1853. Group Receptionist: (703) 308-0858. Art Unit Fax: (703) 308-2708.

Elizabeth Shaw d-YE

June 20, 1997

Robert P. Swiatek

ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 333